

## **REMARKS**

### **35 U.S.C. Section 102 and 103 Rejections**

This Reply is submitted as fully responsive to the Final Office Action. Claims 1-6 and 8-16 are pending in this application and stand finally rejected. Claim 7 was previously canceled. No new matter has been introduced. In view of the following remarks, reconsideration and allowance of this patent application is earnestly solicited.

In the Office Action, the Examiner rejected independent claim 1 and dependent claims 3-8, 10-13 and 15 under 35 U.S.C. § 102(b) as being allegedly anticipated by Sulzyc. The Examiner also rejected dependent claims 2, 9, 14 and 16 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sulzyc in various combination with Smith, Lin and Schneider. Applicants respectfully traverse the foregoing claim rejections for the reasons set forth hereinafter.

No new prior art references have been cited. Additionally, the pending rejections are essentially identical to those set forth in the Office Action mailed on October 3, 2008. Accordingly, Applicants hereby incorporate by reference their Reply To Office Action Mailed October 3, 2008, which was filed on February 2, 2009, as if fully set forth herein.

### **Applicants' Response to Examiner's Response to Arguments**

With respect to Applicants' arguments concerning the claim rejections under 35 U.S.C. § 103(a), the Examiner contends that Applicants have "not refuted the rejections as formulated but rather has analyzed them in a piecemeal manner." *See* page 6 of the Final Office Action. Applicants respectfully disagree. In their Reply To Office Action Mailed October 3, 2008, Applicants particularly pointed out the deficiencies in the Examiner's arguments that Sulzyc anticipated the application claims because Sulzyc failed to disclose each and every element of the claims. In addition, instead of analyzing the claim rejections under 35 U.S.C. §

103(a) "in a piecemeal manner," Applicants specifically showed how Smith, Lin and Schneider failed to cure the severe deficiencies of Sulzyc, making any combination of such references inadequate to render the application claims obvious. The Examiner did not address or refute the substantive merits of Applicants' arguments that the cited references, alone or in combination, failed to teach or suggest the present claimed invention because, in fact, the cited references do not anticipate or render obvious the application claims.

### **Conclusion**

On the basis of the foregoing remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Reply other than the \$540 fee associated with the Notice of Appeal submitted concurrently herewith and the \$1,110 fee associated with the Petition for a Three-Month Extension of Time. Authorization is hereby given to charge these fees to the undersigned attorney's Deposit Account No. 50-0540, and any fee deficiency or additional fee due.

Respectfully submitted,

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